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VIA ECF

Honorable Judge Gregory Woods
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Kumaran et al vs. National Futures Association et al* 1:20-Cv-03668-GHW-SDA

Letter Motion to Adjust Pages from Motion to Reply

Dear Hon Judge Woods,

Plaintiffs write to respectfully adjust 5 pages from our allocation of Reply (15 pages) into our allocation in our outgoing Motion (25 pages). Therefore, both Plaintiffs request as follows

Outgoing Motion	25 pages → 30 pages
Reply Motion	15 pages → 10 pages

We do not seek to exceed the aggregate Page Count. We respectfully seek this relief, as we believe in the interests of justice it is also fairer on Defendants to have advance notice of our arguments in the Motion so they are not presented for the first time in Reply. While we thought about leaving some arguments to Reply, we were concerned that the Court could construe that they were only raised for the first time in Reply, and therefore, to preserve equity, we seek to transfer the 5 pages from Motion to Reply (as above). If the Court does not agree with our request, we respectfully seek leave, in the alternative, to reduce 5 pages from the motion, and we will simply add them to the Reply brief.

We also want to confirm we had some problems loading some of the exhibits due to a “Malfunction in code” Pacer error that prevented uploading 2 exhibits for Kadlec and 2 exhibits for NFA. We intend to try to reformat the pdf (it is not clear what the error is) and reload it tomorrow. This should be resolved by 12 noon tomorrow (in case we need IT or technical assistance).

Finally, Plaintiffs confirm that Defendants Kadlec and Defendants NFA will and always have filed separate briefs. We write in advance to acknowledge that we do not oppose any of their requests also to have 30 pages instead of 25 pages, or as always been the case, and anticipated that they file separate briefs. For that reason and for convenience of the Court's review, NRCM and Kumaran separated our arguments so that each Defendants' opposition is answered separately.

Plaintiffs note that the Report and Recommendations raised many new arguments that were not contained in the original briefings by any of the parties. The original Motions to Dismiss, were largely related to arguments on bad faith, fraud, and discretionary and non-discretionary rules. Substantive portions of the original briefings from all parties were devoted to those three topics.

The R&R however, did not contain any argument related to majority of what was before the Court on bad faith, fraud and discretionary and non-discretionary rules. Since the issues were not briefed, Plaintiffs have noted many 'new issues' – especially related to the RICO claims – that were not presented to the Court and that none of the parties briefed. Plaintiffs never had an opportunity to be heard on those issues, and we have argued that Defendants also waived them by not raising them in their original MTD.

To that end, we have added a Supplemental Exhibit (which is at the Court's discretion) that can be used if the Court is to refer to or rely on any "new" arguments that were not contained in the original pleadings or briefings. Specifically Plaintiffs have raised some concerns that Defendants arguments were used that were only raised for the first time in Reply. While I recognize I am Pro-Se, there is extensive case law on the NFA side needs to be adequately countered. If the Court is to refer to them or use them, Plaintiffs have respectfully provided (as an optional supplement) a few of the items that appear to have not previously briefed but relied upon in the Report and Recommendation.

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We understand it is in the Court's discretion whether to use them and in fairness to Defendants we have attached them in advance of our Motion (not waited to Reply) so they have fair opportunity to respond or not respond as the case may be.

We thank the Court for the prior extension of time, and also thank the Court in advance for its attention to the substantive issues before the Court on this dispositive motion that we believe that the law clearly shows several of our claims have merit. We sincerely hope the Court will adjudicate these claims fairly. Thank you again.

Respectfully submitted,

///SSK///

Samantha Siva Kumaran

Cc: Brian M. August

Counsel NRCM